

28 February 2020

Mr Michael Lennon
Chairperson
State Planning Commission

By email: DPTIPanningReformSubmissions@sa.gov.au

Dear Mr Lennon

**Re: Submission Re: Planning and Design Code – Phase 3
Scentre Group – Westfield Marion Shopping Centre Site**

This submission has been prepared by MasterPlan on behalf of Scentre Group in relation to the Westfield Marion Shopping Centre located at Sturt Road, Diagonal Road and Morphett Road, Oaklands Park. The subject site is currently located within the Regional Centre Zone, including the Retail Core Marion Precinct 10 and the Retail Support Marion Precinct 11.

Within the new Planning and Design Code (PD Code) the area located within Precinct 10 and Precinct 11 of the Regional Centre Zone has been transitioned into an Urban Activity Centre Zone. It is noted that there are no separate Precincts and that Concept Plan Mar/5 relating to the Shopping centre has been deleted.

It is also noted that Precinct 8 and 9 that are currently part of the Regional Centre Zone are proposed to be transitioned to a Community Zone.

On behalf of our client, we have reviewed the draft Planning and Design Code – Phase 3 consultation documents in relation to the subject site. A summary of the analysis of the assessment provisions in the transition to the new zone is provided in the attached table **Attachment A**.

It is considered that the proposed transition of Precincts 10 and 11 to an Urban Activity Centre Zone in the Planning and Design Code is generally acceptable however there are a number of issues that we wish to address:

- The two Desired Outcomes generally cover the relevant Objectives of the existing zone but there is no reference to high density residential development that is currently a key objective of the zone. To be consistent, the Desired Outcomes should make reference to high density residential development.



- Similarly, Performance Outcome PO1.1 makes no mention of residential land uses. A dwelling and residential flat building in conjunction with non-residential development are both listed as envisaged land uses in the current zone. Although residential development is mentioned in PO 1.3 and PO 1.4, it should also be mentioned in PO1.1.
- We note that no land uses are listed in DTS 1.1 which we consider to be a failure in the drafting of the proposed zone provisions and is inconsistent with the drafting of Zone provisions throughout the Planning and Design Code. In support of our analysis we reference the Suburban Activity Centre Zone, DTS 1.1 which expressly lists all the land uses that are considered to fulfil PO1.1 of the zone for Land Use and Intensity.
- There is only one residential development Performance Outcome regarding density (minimum net density of 35 dwelling units per hectare). There is no reference to high density development of more than 45 dwellings per hectare, which is current policy and should be included.
- The Deemed to Satisfy DTS2.6 provision that not less than 50 percent of the ground floor primary frontage of buildings are visually permeable, transparent or clear glazed is a new provision and is supported.
- In the PD Code, building height levels are proposed to be specified in the Technical and Numerical Variation Overlay (TNV) but there is no information available at this time, so we have assumed that no numerical restrictions will be applied to the zone.
- There is indirect reference to building heights in the mention of medium rise development which is specified in the zone. It is noted that medium-to-high rise development means three to six building levels in the Administrative definitions of the P&D Code.
- There is also no information available in the zone regarding building setbacks. In the general policies relating to Design in Urban Areas, there are general setback requirements that could be applied but the existing setback requirements in PDC 13 and 14 should be retained in some form.
- The vehicle parking rates are located within the General Development Policy section and are consistent for the Urban Activity Centre Zone, i.e. minimum three (3) spaces per 100 square metres; and maximum five (5) spaces per 100 square metres, which is supported.
- There is no reference to advertising signs in the current zone. Instead there is reference in the Advertising General section which has a table for the existing zone specifying a maximum height of 12 metres in the core area and 8 metres elsewhere. It also has a maximum display area of 20 square metres in the core area and 12 square metres elsewhere.
- The PD Code includes a Performance Outcome and a Deemed to Satisfy provision in the Urban Activity Centre Zone and a General Policy Requirement for the zone that specifies an 8.0 metre height limit and 5 square metre display area for freestanding signs significantly reducing the current development potential for signs in this zone. Noting the size and scale of the shopping centre, such a restriction on signs is considered inappropriate when applied to an integrated shopping centre in an Urban Activity Centre Zone.



- There are fundamental concerns regarding the drafting of the Procedural Matters (Notification) section of the Zone which lists:

"development on a site located adjacent a dwelling within a neighbourhood none (sic) which comprises:

- (i) construction of a building which fails to comply with DTS 3.1 to 3.3 (inclusive);*
- or*
- (ii) the construction of or change of use to a retail fuel outlet, educational establishment, emergency services facility, entertainment venue, hospital, hotel, light industry."*

Clarification is required to determine the intent of this clause, which is assumed to relate to dwellings on land in an adjacent "Neighbourhood Zone" being any type of neighbourhood zone. If this is the intent, then the notification policy is supported however the current wording may need to be revised to reflect this intent.

On behalf of our client we request that the following amendments be made to the PD Code in relation to the Marion Shopping Centre:

- inclusion of reference to residential facilities in Desired Outcomes 1 and 2 of the Urban Activity Centre Zone;
- inclusion of reference to residential in the land uses listed in Performance Outcome 1;
- inclusion of reference to high density development of more than 45 dwellings per hectare;
- delete the Urban Activity Centre Zone from Table 1 – Maximum Size and Height Requirements for Signs allowing signs to be considered on their merits against the relevant Performance Outcomes.

Should you require any further details on this submission, please do not hesitate to contact the undersigned.

Yours sincerely

Greg Vincent
MasterPlan SA Pty Ltd

Enc: Attachment A Comparison Table
cc: Aimee Taylor, Scentre Group.

WESTFIELD SHOPPING CENTRE MARION

Zoning Table

EXISTING COUNCIL'S DEVELOPMENT PLAN	NEW PLANNING AND DESIGN CODE
 <p>Development Plan: Marion Council Regional Centre Zone (RCe)</p> <p>Zone Map Mar/7</p> <p>Legend: Community (Yellow) Industry (Pink) Local Centre (Light Blue) Neighbourhood Centre (Light Green) Open Space (Light Blue/Green) Regional Centre (Blue) Residential (Light Green) Retail Activity Node (Dark Blue) Zone Boundary (Black line)</p>	<p>Planning and Design Code Phase 3 Urban Activity Centre Zone (Blue Section)</p> <p>Planning and Design Code Consultation Map</p>  <p>06/12/2019, 13:49:11</p> <p>Scale: 1:4,514 0 0.05 0.1 0.2 km 0 0.075 0.15 0.3 km</p> <p>Consultation closes 29 November 2019 for Phase 2 and 28 February 2020 for Phase 3</p>
 <p>Precinct 10: Retail Core Marion Precinct 11: Retail Support Marion</p>	

EXISTING COUNCIL'S DEVELOPMENT PLAN	NEW PLANNING AND DESIGN CODE
<p>Objectives</p> <ol style="list-style-type: none"> 1 A centre representing the primary focus for business and commercial services for the region, outside the central business district of Adelaide, providing a full range of shopping, administrative, cultural, community, entertainment, education, religious and recreational facilities, and public and private office development. 2 A centre providing a focus for public transport interchanges and networks. 3 Development of a visually and functionally cohesive and integrated regional centre. 4 A centre accommodating high density residential development in conjunction with non-residential development. 5 Development that contributes to the desired character of the zone. 	<p>Desired Outcome (DO)</p> <p>DO 1 A cohesive and legible environment supporting a broad spectrum of regional level business, shopping, entertainment and recreational facilities that can cater for large crowds, smaller social gatherings and events over extended hours.</p> <p>DO 2 Primary business, shopping and entertaining areas are integrated with public transport facilities, pedestrian and cycling networks, and community transport infrastructure, and designed to enhance the quality of the public realm.</p> <p>Performance Outcomes (PO) and Deemed to Satisfy / Designated Performance Outcome Criteria (DTS/DPF)</p>
<p>DESIRED CHARACTER</p>	<p>N/A. There are no Desired Character Statements in the P&D Code.</p>
<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p>Land Use</p> <ol style="list-style-type: none"> 1 The following forms of development are envisaged in the zone: <ul style="list-style-type: none"> ▪ affordable housing ▪ bank ▪ child care centre ▪ civic centre ▪ community health centre ▪ consulting room ▪ department store ▪ dwelling in conjunction with non-residential development ▪ educational establishment ▪ emergency services facility 	<p>Land Use and Intensity</p> <p>PO 1.1 Shops, offices, entertainment, health, education and recreation related uses supplemented by other complementary businesses that provide a comprehensive range of goods and services to the region.</p> <p>DTS 1.1 None are applicable.</p> <p>PO 1.2 Facilities within the centre sited and designed with a view to promoting after-hours use to reinforce the centre as the focus of social activity.</p> <p>DTS 1.2 None are applicable.</p>

EXISTING COUNCIL'S DEVELOPMENT PLAN	NEW PLANNING AND DESIGN CODE
<ul style="list-style-type: none"> ▪ entertainment facility ▪ hospital ▪ hotel ▪ indoor games centre ▪ library ▪ motel ▪ motor repair station ▪ office ▪ place of worship ▪ playing field ▪ pre-school ▪ residential flat building in conjunction with non-residential development ▪ restaurant ▪ shop ▪ supermarket ▪ swimming pool <p>2 Development listed as non-complying is generally inappropriate.</p> <p>3 High-density residential development, including affordable housing, and development comprising a variety of residential and non-residential uses may be undertaken provided such development does not prejudice the operation of existing or future retail activity within the zone.</p> <p>Form and Character</p> <p>4 Development should not be undertaken unless it is consistent with the desired character for the zone.</p> <p>5 Development should be designed and sited to promote linkages between the various developments within the centre and adjoining main roads.</p> <p>6 Facilities within the centre should be sited and designed with a view to promoting after-hours use to reinforce the centre as the focus of social activity in the region.</p>	<p>PO 1.3 Residential development does not prejudice the operation of existing non-residential development and the long-term provision of services and facilities for wider community benefit.</p> <p>DTS 1.3 None are applicable.</p> <p>PO 1.4 Dwellings developed in conjunction with non-residential uses to support business, entertainment and recreational activities and contribute to making streets and pedestrian thoroughfares pleasant and lively places.</p> <p>DTS 1.4 Dwellings are located at upper levels of buildings with non-residential uses located at ground level.</p> <p>PO 1.5 Where residential development is appropriate having regard to other performance outcomes of the zone, residential development achieves medium-to-high densities.</p> <p>PO 1.5 Residential development achieves a minimum net density of 35 dwelling units per hectare.</p> <p>PO 1.6 Bulky goods outlets are sited and designed to achieve or maintain a vibrant and interesting streetscape within retail areas.</p> <p>DTS/DPF 1.6 Bulky goods outlets with a gross leasable area of 500m² or more are located towards the periphery of the zone.</p>

EXISTING COUNCIL'S DEVELOPMENT PLAN		NEW PLANNING AND DESIGN CODE																					
7	Dwellings should only be located at upper levels of buildings and in conjunction with an envisaged non residential use located at ground level.	<p>Built Form and Character</p> <p>PO 2.1 Development throughout the zone that integrates with existing development through building scale, connections and complementary land uses.</p> <p>DTS 2.1 None are applicable.</p> <p>PO 2.2 Development integrated with existing or planned public or community transport interchanges and networks.</p> <p>DTS 2.2 None are applicable.</p> <p>PO 2.3 Buildings are sited and designed to create pedestrian, vehicular, open space and visual linkages between the various built-form elements within the zone and adjoining main roads and thoroughfares.</p> <p>DTS 2.3 None are applicable.</p> <p>PO 2.4 Vehicular access points and car parks are coordinated and consolidated to enable the shared use of parking spaces.</p> <p>DTS 2.4 None are applicable.</p> <p>PO 2.5 Development promotes the use of pedestrian and cyclist connections to centre facilities and services.</p> <p>DTS 2.5 None are applicable.</p> <p>PO 2.6 Buildings and facilities are sited and designed to provide an active frontage to the public realm, contributing to streetscapes and spaces that encourage social interaction.</p>																					
8	Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should typically be in the form of 2 to 4 storey buildings.																						
9	High density development that achieves gross densities of more than 45 dwellings per hectare (which translates to net densities of more than 67 dwellings per hectare) should typically be in the form of over 4 storey buildings.																						
10	Development outside of Precinct 10 Retail Core Marion should comprise new regional centre facilities that complement but do not duplicate that precinct's function as the focus for major retailing activities.																						
Building Height																							
13	Within Precinct 10 Retail Core Marion, the height and setback of buildings should satisfy the following parameters:																						
<table border="1"> <thead> <tr> <th>Road</th> <th>Height of building (metres)</th> <th>Minimum setback from road boundary (metres)</th> </tr> </thead> <tbody> <tr> <td>Diagonal Road</td> <td>up to 11</td> <td>20</td> </tr> <tr> <td>Diagonal Road</td> <td>over 11</td> <td>30</td> </tr> <tr> <td>Morphett Road</td> <td>up to 8</td> <td>8</td> </tr> <tr> <td>Morphett Road</td> <td>between 8 and 11</td> <td>20</td> </tr> <tr> <td>Sturt Road</td> <td>up to 11</td> <td>Nil provided the building addresses Sturt Road and are designed to present an attractive frontage</td> </tr> <tr> <td>Sturt Road</td> <td>over 11</td> <td>8</td> </tr> </tbody> </table>			Road	Height of building (metres)	Minimum setback from road boundary (metres)	Diagonal Road	up to 11	20	Diagonal Road	over 11	30	Morphett Road	up to 8	8	Morphett Road	between 8 and 11	20	Sturt Road	up to 11	Nil provided the building addresses Sturt Road and are designed to present an attractive frontage	Sturt Road	over 11	8
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EXISTING COUNCIL'S DEVELOPMENT PLAN

14 Outside of Precinct 10 Retail Core Marion, the height and setback of buildings should achieve a transition from the largest and tallest buildings located well within the zone boundaries and satisfy the following parameters:

Road	Maximum building height (metres)	Setback from road boundary (metres)
Diagonal, Morphett and Sturt Roads	N/a	No building should be located within 8 metres of the road boundary
Diagonal, Morphett and Sturt Roads	8	8 to 20
Diagonal, Morphett and Sturt Roads	11	20 to 30
Diagonal, Morphett and Sturt Roads	23	more than 30

NEW PLANNING AND DESIGN CODE

DTS / DPF 2.6

Not less than 50% of the ground floor primary frontage of buildings are visually permeable, transparent or clear glazed.

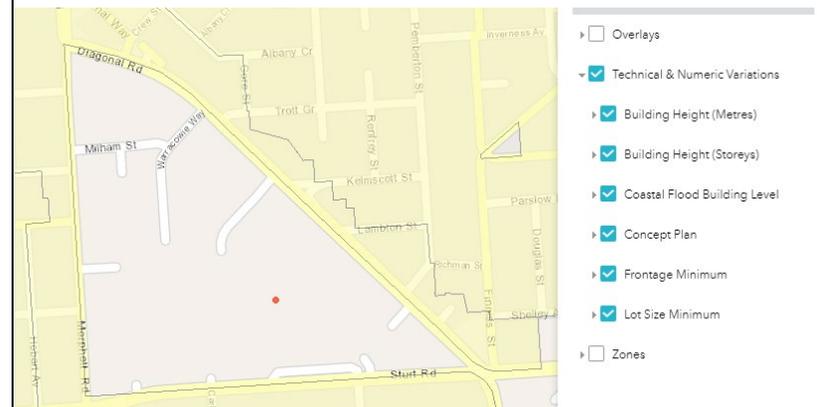
Building height and setbacks

PO 3.1

Medium rise development, with the highest intensity of built form at the centre of the zone, and lower scale at the peripheral zone interface.

DTS/DPF 3.1

Building height is not greater than any maximum, or less than any minimum, specified in the Maximum Building Height Levels Technical and Numeric Variation Overlay, the Maximum Building Height Metres Technical and Numeric Variation Overlay, or the Minimum Building Height Levels Technical and Numeric Variation Overlay.



*(***Westfield Marion Site is not in the Maximum Building Height Levels Technical and Numeric Variation Overlay, the Maximum Building Height Metres Technical and Numeric Variation Overlay, or the Minimum Building Height Levels Technical and Numeric Variation Overlay, reviewed on 11/12/2019 ***)*

However, the general definition to medium-rise building height could apply to the area as table below. Or the existing building height could be considered in DPA.

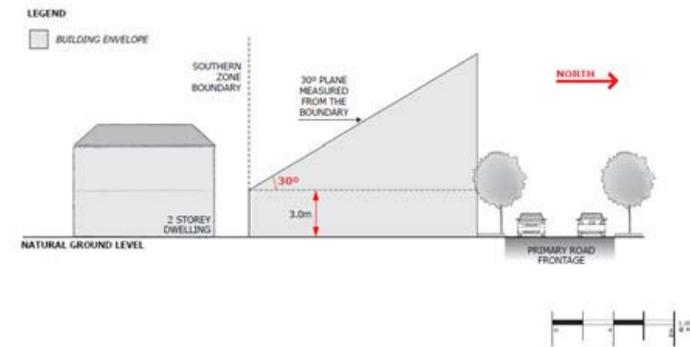
EXISTING COUNCIL'S DEVELOPMENT PLAN

NEW PLANNING AND DESIGN CODE

Term (Colum A)	Definition (Colum B)	Illustration (Colum C)
Medium-rise	In relation to development, means 3 to 6 building levels.	

PO 3.2

Buildings mitigate visual impacts of building massing on residential development within a neighbourhood zone.



DTS/DPF 3.2

Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3m above natural ground level at the allotment boundary of a residential allotment within a neighbourhood zone as shown in the following diagram (except where this boundary is a southern boundary in which case DTS/DPF 3.3 will apply, or where this boundary is the primary street boundary):

PO 3.3

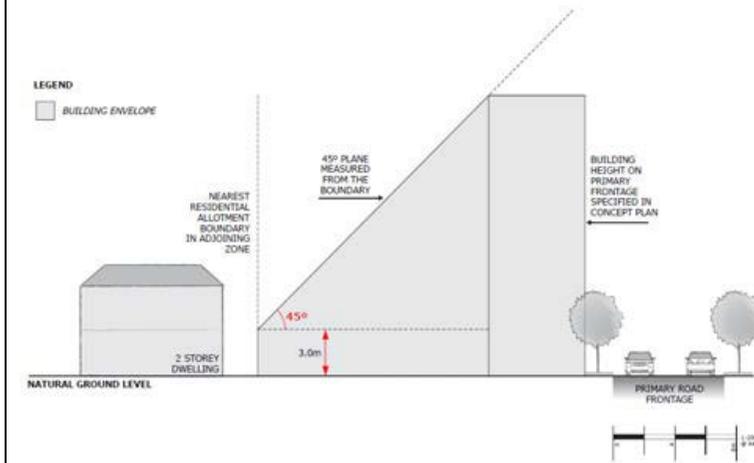
Buildings mitigate overshadowing of residential development within a neighbourhood zone.

EXISTING COUNCIL'S DEVELOPMENT PLAN

NEW PLANNING AND DESIGN CODE

DTS / DPF 3.3

Buildings on sites with a southern boundary adjoining a residential allotment within a neighbourhood zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram:



Advertisements

PO 5.1

Freestanding advertisements that identify the associated business without creating a visually dominant element within the locality.

DTS 5.1

Freestanding advertisements that:

- (f) do not exceed 10m in height; and
- (g) do not have a sign face that exceeds 8m² per side.

EXISTING COUNCIL'S DEVELOPMENT PLAN	NEW PLANNING AND DESIGN CODE
	<p>Concept Plans</p> <p>PO 7.1 Development is compatible with the outcomes sought by any relevant Concept Plan contained within the Concept Plans Technical and Numeric Variation Overlay.</p> <p>DTS 7.1 None are applicable</p>
<p>11 Development should be carried out in accordance with Concept Plan Map Mar/5 – Marion Regional Centre.</p> <p>12 The major public open space shown conceptually on Concept Plan Map Mar/5 – Marion Regional Centre should be developed to a high standard of design and amenity to create a major focus within the regional centre and designed to accommodate:</p> <ul style="list-style-type: none"> (a) a mixture of outdoor leisure, community and entertainment activities (b) formal and informal spaces (c) paved areas in the nature of a square or piazza (d) variety of landscape/planting treatments with a cohesive thematic tree planting and edge treatment (e) pedestrian shelters and structures such as gazebos, rotundas, pavilions, pergolas and colonnades (f) clearly defined safe and attractive pedestrian paths providing access to its facilities and adjacent development and connections between adjacent and surrounding development. 	<p>N/A. There is no Concept Plan Map in the new P&D Code.</p>
<p>Land Division</p> <p>16 Land division in the zone is appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.</p>	<p>Land Division</p> <p>PO 4.1 Land division that creates allotments that vary in size and are suitable for a variety of business and community facilities.</p> <p>DTS 4.1 None are applicable.</p>

EXISTING COUNCIL'S DEVELOPMENT PLAN

Vehicle Parking

15 Vehicle parking should be provided in accordance with the rates set out in Table Mar/2 – Off Street Vehicle Parking Requirements or Table Mar/2A – Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).

Designated Area	Conditions
Regional Activity Zone	None
Suburban Activity Node Zone	
Mixed Use Zone	
District Centre Zone	Any part of the development site is located in accordance with at least one of the following:
Local Centre Zone	(a) within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service ⁽²⁾
Neighbourhood Centre Zone	(b) within 400 metres of a bus interchange ⁽¹⁾ that is part of a high frequency public transit service ⁽²⁾
Regional Centre Zone	(c) within 400 metres of an O-Bahn interchange ⁽¹⁾
	(d) within 400 metres of a passenger rail station ⁽¹⁾ that is part of a high frequency public transit service ⁽²⁾
	(e) within 400 metres of a passenger tram station ⁽¹⁾
	(f) within 400 metres of the Adelaide Parklands.

Table: Non-residential development (excluding light industry and tourist accommodation)

Location of development	Desired minimum number of vehicle parking spaces	Maximum number of vehicle parking spaces
All Designated Areas (unless otherwise stated)	3 spaces per 100 square metres of gross leasable floor area	6 spaces per 100 square metres of gross leasable floor area

NEW PLANNING AND DESIGN CODE

Vehicle parking

PO 6.1

Vehicle parking areas are sited and designed to minimise visual dominance when viewed from the public realm.

PO 6.1

Vehicle parking areas are sited above or below street level, in decked or basement parking.

DTS/DPF 5.1

Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements or Transport, Access and Parking Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas, whichever is relevant.

Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas

Class of Development	Minimum number of spaces	Maximum number of spaces	Designated Areas
Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	5 spaces per 100m ² of gross leasable floor area.	Urban Activity Centre Zone

EXISTING COUNCIL'S DEVELOPMENT PLAN	NEW PLANNING AND DESIGN CODE
<p>Precinct 10 Retail Core Marion</p> <p>22 The precinct should contain an extensive range and diversity of regional centre facilities related to its function as the core retail area for the region.</p> <p>23 Major expansion of the existing shopping centre complex should occur primarily in a northerly direction to facilitate integration of the existing complex in respect to function, access, car parking, built-form and landscaping with other development (existing or proposed) in Precinct 9 Northern Fringe Marion.</p> <p>Precinct 11 Retail Support Marion</p> <p>24 The following forms of development are envisaged in the precinct:</p> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ concession stalls and open air markets developed along main pedestrian and/or vehicle linkages ▪ offices ▪ recreation and entertainment activities ▪ restaurants ▪ small-scale specialty shops ▪ taverns. <p>25 Concession stalls and open air markets should only occur on weekends and public holidays</p>	<p>N/A. There is no distinction in policy between the two areas that are currently is separate precincts. The proposed policy for the zone applies to the whole area.</p>
<p>Overlay</p> <p>Affordable Housing Overlay Noise and Air Emissions Overlay Strategic Transport Routes Overlay</p>	<p>Overlay</p> <p>Advertising Near Signalised Intersection Overlay Airport Building Heights (Regulated) Overlay (over 110 metres) Major Urban Transport Route Overlay Traffic Generating Development Overlay Future Road Widening Overlay Hazards (Flooding) Overlay Prescribed Wells Area Overlay Regulated Trees Overlay Urban Transport Routes Overlay</p>

*Table Reviewed on 12/12/2019